

### **REMARKS/ARGUMENTS**

Claims 1-7 and 9-17 stand in the present application, claims 1 and 10 having been amended. Reconsideration and favorable action is respectfully requested in view of the above amendments and the following remarks.

In the Office Action, the Examiner has rejected claims 1-7 and 10-16 under 35 U.S.C. § 102(a) as being anticipated by Marazakis et al. Applicants respectfully traverse the Examiner's § 102 rejection of the claims.

In rejecting the claims over Marazakis et al., the Examiner alleges that the logging system of Marazakis et al. includes a log of processes allocated to respective resources. Applicants respectfully disagree. The logging system of Marazakis et al. allows each service provider to log information about its own state and its interactions with others. This includes service request and responses, state transitions, and application-specific events (see the last full sentence on page 2). However, there is simply no teaching or suggestion that the logging system of Marazakis et al. records resource allocation to tasks (feature "b)" of independent claims 1 and 10).

Accordingly, independent claims 1 and 10 and their respective dependent claims are believed to patentably define over the cited reference. However, in order to emphasize this patentable distinction over the cited reference, Applicants have amended feature "e)" of independent claims 1 and 10 to now read "resource allocation and resource state data, provided by said process management system in use, for storage in said log of processes and said log of states." Again, since Marazakis et al. does not teach or suggest a logging system which records resource allocation to tasks it should be clear that the cited reference not teach or suggest Applicants' inventions as

now more clearly recited in features "b) and e)" of independent claims 1 and 10.

Therefore, claims 1 and 10 and their respective dependent claims are believed to patentably define over the cited art.

The Examiner has also rejected claims 9 and 17 under 35 U.S.C. § 102(e) as being anticipated by Wilson et al. Applicants respectfully traverse the Examiner's § 102 rejections of these claims.

As noted in the previous Amendment dated February 18, 2005, Wilson et al. is not properly considered prior art with respect to all of its disclosure to the present application. More particularly, Wilson et al. is a continuation in part application which was filed on August 3, 1999 which is later than the priority date for the present application of March 31, 1999. At page 11 of the Office Action, the Examiner states that certain portions of Wilson et al. are also contained in parent patent 5,958,010 (hereinafter "the '010 priority document"). However, in rejecting claims 9 and 17 the Examiner relies on express portions of Wilson et al. which are not contained within the '010 priority document. For example, at page 8 of the Office Action, the Examiner identifies what is believed to be column 13, lines 49-63 (the Examiner has omitted the "column" identification), column 17, lines 52-67, column 13, lines 13-27 and column 14, lines 16-34, as teaching particular features of claims 9 and 17. However, these citations to Wilson et al. are descriptions of Figures 6, 7, 9 and 11, none of which are present in the '010 priority document. Nor is there any corresponding disclosure material for Figures 6, 7, 9 and 11 of Wilson anywhere to be found in the '010 priority document (which should not be surprising since none of the Figures are in the aforementioned priority document). Therefore, since Wilson et al. is not entitled to a priority date prior to

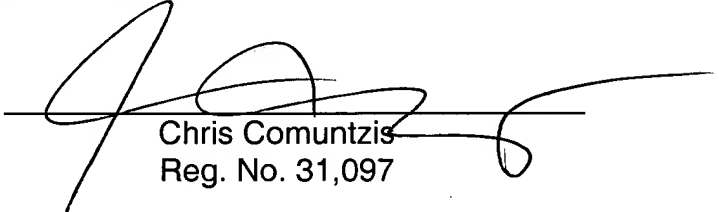
its filing date of August 3, 1999 for the portions of Wilson et al. cited by the Examiner in rejecting claims 9 and 17, these portions of Wilson are not prior art to the present application and claims 9 and 17 patentably define over the cited reference.

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all of claims 1-7 and 9-17, standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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